IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19940 of 2004

Between:

Ch. Kameswara Rao, S/o. Balarama Swamy,
Junior Lecturer,S.C.B.R Government Junior College,

Ganapavaram, West Godavari District. A.P.

..... PETITIONER

AND

1 The Director of Intermediate Education,

Andhra Pradesh at Nampally,

Hyderabad.
2 Regional Joint Director,

Intermediate Education,

Rajahmundry, East Godavari District.
3 The Principal,

S.C.B.R. Government Junior College,
Gannapavaram, West Godavari District,
Andhra Pradesh.
4 The Principal,

A.K.P.S. Government Junior College,
Dumpagadapa, West Godavari District,
Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction declaring

the action of the respondents in not paying the full salary for the suspension period from 14-2-2002 to 3-4-2003 minusing the subsistence allowances paid to me. As per the fundamental rule F.R. 54-B Clause 5 and as per G.O.Ms.No.238 dt. 7-4-92 of general administrative department of Andhra Pradesh is illegal arbitrary and violation of fundamental rights of the Constitution and consequently direct the respondents to pay full salary for the said suspension period treating as on duty period from 14-2-2002 AN to 3-4-2003.

Counsel for the Petitioner: Mr. P.VINAYAKA SWAMY

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following ORDER:

The petitioner is working as a Junior Lecturer. He was suspended on 14-02-2002 and a charge sheet was issued for grave charges. Subsequently, his suspension was raised by issuing the reinstatement orders at the time of passing final orders on 21-06-2003 and the petitioner was imposed the punishment of warning on 07-07-2003 for the charge of non-handing over the records to the regular member. The petitioner contends that since the punishment imposed was only a warning, he is entitled for all the benefits of the period of suspension including the salary and continuity of service. The petitioner, therefore, submitted representations to the respondents and finally, on 26-04-2004 requesting to regularize the period of suspension as duty with full Pay and allowance. The grievance of the petitioner is that the respondents so far did not pass any orders on his representation. He, therefore, approached this Court seeking a direction to the 2nd respondent to pass appropriate orders on his representation regarding the treatment of the period of suspension as duty with attendant benefits.

In the light of the submissions made by the petitioner, respondents 1 and 2 are directed to pass appropriate orders on the representation of the petitioner dated 26-04-2004 as per rules in force, within a period of two months from the date of receipt

of a copy of this order.

Accordingly, the Writ Petition is disposed of.

_____

(Dr. G.YETHIRAJULU,J)

1st November, 2004.

Tsy

To

1 The Director of Intermediate Education,

Andhra Pradesh at Nampally,

Hyderabad.

2 The Regional Joint Director,

Intermediate Education,

Rajahmundry, East Godavari District.

3 The Principal,

S.C.B.R. Government Junior College,
Gannapavaram, West Godavari District,
Andhra Pradesh.

4 The Principal,

A.K.P.S. Government Junior College,
Dumpagadapa, West Godavari District,
Andhra Pradesh.

5 Two CCs to the GP for Education, High Court of A.P.,

Hyderabad (O.U.T.)

6 Two CD Copies.